

United States Courts Southern
District of Texas
FILED

IN THE UNITED STATES DISTRICT COURT

Southern District of Texas

October 17, 2022

Nathan Ochsner, Clerk of Court

Villa Contento Apartments

PLAINTIFF

V.

Okene, Kingsley Dominic

DEFENDANT

CASE NUMBER: **4:22cv3645**

NOTICE OF REMOVAL

PETITION FOR REMOVAL AND FEDERAL STAY OF EVICTION

PURSUANT TO 28 USC 1441 (B)

DEFENDANT, Okene, Kingsley Dominic hereby files this Petition for Removal in the United States District Court for the Southern District of Texas Division of the above stated case number, 225100340848, in the State Court of Harris County Texas in accordance with the provisions of Title 28 U.S.C. 1441(b) Judiciary and Procedure.

The proceedings occurring in violation of the Uniform Commercial Code of 15 U.S.C. 1692 with unlawful eviction proceedings. Pursuant to the provisions of Title 28 U.S.C. Section 1441 (b) the Harris County Court shall not proceed with any eviction against the Petitioner until it is remanded or so ordered from the United States District Court.

RESPONDENTS, Villa Contento Apartments., and its subsidiary, At Texas is registered and headquartered in the State of Texas and are attempting to collect a debt in violation of the Fair Debt Collection Practices Act (FDCPA) of 1978. Accordingly, this action is removable pursuant to 28 U.S.C. 1441(b).

The United States Court for Southern District Court of Texas has jurisdiction over this action pursuant to 28 U.S.C. 1331 and 28 U.S.C. 1367(a).

A copy of all process, pleadings and orders served upon defendant in the state court action is attached hereto as Exhibit "A".

WHEREFORE DEFENDANT, Okene, Kingsley Dominic requests that this action be removed to the UNITED STATES DISTRICT COURT Southern District of Texas

5800 Dashwood Dr. # 48

Houston TX 77081

Respectfully submitted,

Okene, Kingsley Dominic

PRO SE PETITIONER

Villa Contento Apartments
Plaintiff
vs.
Kingsley Dominic Okene
Defendant

Case Number: 225100340848

§
§
§
§
§

In the Justice Court
Harris County, Texas
Precinct 5, Place 1
6000 Chimney Rock Road
Suite 102
Houston, TX 77081
713-274-8700
www.jp.hctx.net

Citation – (Eviction) (Residential)

THE STATE OF TEXAS, COUNTY OF HARRIS

TO: ANY SHERIFF OR CONSTABLE OF TEXAS, OR PERSON AUTHORIZED BY COURT ORDER:

Deliver this Citation to the Defendant, or leave a copy with some person over the age of sixteen years at the Defendant's usual place of abode, at least six days before the day assigned for trial.

Kingsley Dominic Okene
5800 Dashwood Dr # 48
Houston TX 77081

Ted Heap, Constable, Precinct 5
Harris County, Texas
Delivered this 11 day of
October, 20 22
as per order of the court.

and return this Citation at least one day before the day assigned for trial.

TO THE DEFENDANT:

THIS IS A SUIT TO EVICT. YOU ARE COMMANDED to appear for trial in Justice Court Precinct 5, Place 1 on 10/18/2022 at 8:00 AM to answer this eviction action.

YOU HAVE BEEN SUED. YOU MAY EMPLOY AN ATTORNEY. FAILURE TO APPEAR FOR TRIAL MAY RESULT IN A DEFAULT JUDGMENT BEING ENTERED AGAINST YOU FOR THE RELIEF DEMANDED IN THE PETITION.

Date Petition Filed: 09/28/2022

Nature of demand made by Plaintiff(s): Possession of the property known as 5800 Dashwood Dr # 48 Houston TX 77081, and back rent of \$1,540.00, together with attorney's fees, costs of court, interest as provided by law and general relief. A copy of the petition is attached.

You may request a jury and pay a jury fee in the amount of \$22.00 no later than three (3) days before the trial date. If you timely make a demand for a jury trial, the case will be heard by a jury.

SUIT TO EVICT

This suit to evict involves immediate deadlines. A tenant who is serving on active military duty may have special rights or relief related to this suit under federal law, including the Servicemembers Civil Relief Act (50 U.S.C. App. Section 501 et seq) or state law, including Section 92.017, Texas Property Code. Call the State Bar of Texas toll-free at 1-877-9TEXBAR or 1-800-204-2222 if you need help locating an attorney. If you cannot afford to hire an attorney, you may be eligible for free or low-cost legal assistance.

DEMANDA PARA DESALOJAR

Esta demanda para desalojar involucra plazos inmediatos. Un inquilino que esta en servicio militar activo puede tener derechos especiales o socorro en relacion con este traje por la ley federal, incluidos los miembros del servicio civil relief actuar (50 u.s.c. app. Seccion 501 y ss.) O la ley del estado, incluida la seccion 92.017, TexasCodigo de la Propiedad. Llame al colegio de Abogados de Texas (State Bar of Texas), llamada gratuita al 1-877-9TEXBAR o 1-800-204-2222 si usted necesita ayuda para localizar a un abogado. Si no está a su alcance contratar a un abogado, usted pudiera ser elegible para asesoria legal gratuita o de bajo costo.

For further information, consult the Texas Rules of Civil Procedure, Part V, Rules of Practice in Justice Courts. A copy of the Rules is available at <http://www.jp.hctx.net/> or at the Justice Court.

CONTINUED ON NEXT PAGE

RENTAL ASSISTANCE

You may be able to have some of the rent you owe paid and stop your eviction. Find out more about available rental assistance programs in your area at <https://www.consumerfinance.gov/coronavirus/mortgage-and-housing-assistance/renter-protections/find-help-with-rent-and-utilities/>. If there is an available rental assistance program in your area, tell the judge you are interested in participating. To find out more about what to tell the judge and what may happen with your eviction, visit www.TexasLawHelp.org or call Texas Legal Services Center for assistance at 855-270-7655.

ASISTENCIA PARA EL PAGO DE RENTA

Usted podrá ser elegible para recibir asistencia en algunos pagos vencidos de su alquiler y detener su desalojo. Visite el siguiente enlace para mayor información sobre los programas de asistencia para pagos de alquiler disponibles en su localidad <https://www.consumerfinance.gov/coronavirus/mortgage-and-housing-assistance/renter-protections/find-help-with-rent-and-utilities/>. Si hay programas disponibles en su localidad, informe usted al juez que desea participar en alguno de ellos. Puede visitar el siguiente enlace www.TexasLawHelp.org para mayor información sobre qué decir ante el juez y qué puede ocurrir en un proceso de desalojo, o puede llamar al Centro de Servicios Legales de Texas (en inglés, Texas Legal Services Center) al teléfono 855-270-7655.

Date: 10/6/2022



/s/ Jeanette McClure

Clerk of the Court
Harris County Justice Court
Precinct 5, Place 1

Address of Plaintiff

5800 Dashwood Dr
Houston TX 77081

Appropriate courtroom attire is required. Tank tops, halters, shorts, pajamas, flip flops, hats, and inappropriate t-shirts are prohibited. Please visit the Court website or contact the Court for specific details.

The Court may allow or require anyone involved in any proceeding to participate remotely, such as by teleconferencing or videoconferencing, without that participant's consent. Upon request and a showing of *good cause*, the Court will allow a participant to participate remotely and provide instructions for making a remote appearance. Please check with the court for further information on how to make such a request.

If you have, or know of any other participant who has, (i) COVID-19 or any symptom of COVID-19, to include fever, chills, cough, shortness of breath or difficulty breathing, fatigue, muscle or body aches, headache, sore throat, loss of taste or smell, congestion or runny nose, nausea or vomiting, or diarrhea, or (ii) recently been in close contact with a person who is confirmed to have COVID-19 or is exhibiting the symptoms herein described, you are required to contact the Court before making any appearance at the courthouse.

Petition for Eviction from Residential Premises

Case No. 225100340848Villa Contento Apartments

Landlord (Plaintiff)

VS.

Kingsley Dominic Okene

Tenant (Defendant)

IN THE JUSTICE COURT OF
Harris County, Texas, Precinct 5 Place 1Name of Landlord (provide full legal name): Villa Contento Apartments, referred to as "Plaintiff."Tenants. 1. Name of Tenant (provide full legal name): Kingsley Dominic Okene

Defendant may be served at (provide street address and telephone number, if known):

5800 Dashwood Dr. # 48 Houston Tx 77081

All other home and work addresses of this Defendant in Harris County that are known to the Plaintiff are:

☒ Plaintiff knows of no other home or work addresses of this Defendant in Harris County.

2. Name of Tenant (provide full legal name):

Defendant may be served at (provide street address and telephone number, if known):

All other home and work addresses of Defendant in Harris County that are known to the Plaintiff are:

☐ Plaintiff knows of no other home or work addresses of this Defendant in Harris County. Tenant(s) are referred to as "Defendant."

Premises. Plaintiff seeks possession of following Premises (describe premises, i.e. house, apartment building, including street address):

5800 Dashwood Dr Houston Tx 77081

Grounds for Eviction. Plaintiff seeks to evict Defendant for the following reason:

☒ Failure to pay rent:Residential Lease: ☒ Written ☐ Oral Beginning date of Lease: 5/30/2022 End date of Lease: 5/31/2023Rent: \$ 770.00 per month (e.g. month, week) Date of last rental payment: 7/30/2022Total amount of rent due and unpaid on date of filing: \$ 1,540.00

Rent subsidized by government: \$ _____ paid by _____; \$ _____ paid by the Defendant.

☒ Violation of Lease: Tenant violated Paragraph No. 31.3 of the Lease by (describe violation): disturbance others, disturbance, disrupting our business operations.☐ Holding over after termination of right to possession: Date of notice of termination: _____☐ Foreclosure: Plaintiff purchased the Premises at foreclosure on _____☐ Plaintiff intends to live in the Premises as Plaintiff's primary residence.☐ Defendant is a tenant of the former owner; End date of Lease: _____ Rent: \$ _____ per _____Notice to Vacate: Date Notice to Vacate Delivered: 9/26/2022 Manner of delivery slide through the door inside of the dwelling☐ Attorney Fees: Plaintiff seeks attorney fees as follows:

Contractual; Lease (written) Paragraph No. _____ Amount of Attorney Fees claimed: \$ _____

Statutory: Written demand to vacate sent on: _____ Date received: _____ Attorney Fees claims: \$ _____

Plaintiff requests possession of the Premises, past due rent, if applicable, attorney's fees, if applicable, court costs, and such other and further relief to which Plaintiff may be entitled.

Respectfully submitted,

Signature of Plaintiff, Plaintiff's Attorney or Authorized Agent

Printed Name

Title

Address: 5800 Dashwood Dr. Houston TX 77081Daytime Telephone: (713) 664-3335 Fax Number: NA

State Bar No. _____

☐ Plaintiff consents to the e-mail service of the answer and any other motions or pleadings to this e-mail address.

E-Mail Address: _____

THE STATE OF TEXAS §

COUNTY OF HARRIS §

SWORN TO BEFORE ME on

SEP 28 2022

by

